

FIRST REGULAR SESSION
[TRULY AGREED TO AND FINALLY PASSED]
CONFERENCE COMMITTEE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 491
91ST GENERAL ASSEMBLY

0807L.04T

2001

AN ACT

To repeal sections 77.370 and 77.450, RSMo 2000, relating to certain municipalities, and to enact in lieu thereof two new sections relating to the same subject.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Sections 77.370 and 77.450, RSMo 2000, are repealed and two new sections
2 enacted in lieu thereof, to be known as sections 77.370 and 77.450, to read as follows:

77.370. 1. Except as hereinafter provided, the following officers shall be elected by the
2 voters of the city: Mayor, police judge, attorney, assessor, collector, treasurer and, except in
3 cities which adopt the merit system police department, a marshal.

4 **2. Notwithstanding the provisions of subsection 1 of this section, in cities which**
5 **contract with another entity for police service, the city council may eliminate the office of**
6 **marshal.**

7 **3.** The attorney shall be a person licensed to practice law in Missouri, and the council,
8 by ordinance, may provide for the appointment of an attorney, by the mayor with the approval
9 of the council, in lieu of electing an attorney. If so appointed he shall serve at the pleasure of the
10 mayor and council.

11 **[3.] 4.** Whenever a city contracts for the assessment of property or the collection of taxes
12 **[by the county or township assessor or collector, respectively,] with either a public or private**
13 **entity** as authorized by section 70.220, RSMo, the city council **[shall] may** by ordinance provide
14 that at the expiration of the term of the then city assessor or collector, as the case may be, the
15 office is abolished and thereafter no election shall be had to fill the office; except that in the

EXPLANATION — Matter enclosed in bold faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

16 event the contract expires and, for any reason, is not renewed, the council may by ordinance
17 provide for the election of such officer at the next and succeeding regular elections for municipal
18 officers.

19 [4.] 5. The term of office for each of the officers is two years except the office of mayor
20 and the marshal which are four-year terms. All officers hold office until their successors are duly
21 elected or appointed and qualified.

22 [5.] 6. The council, by ordinance, may provide that any officer of the city except the
23 mayor and the councilmen shall be appointed instead of elected. Such ordinance shall set the
24 manner of appointment, in accordance with section 77.330, and the term of office for each
25 appointive officer, which term shall not exceed four years.

77.450. [In counties of the first classification with a charter form of government which
2 have a population of at least nine hundred thousand inhabitants, if a vacancy occurs in any
3 elective office, the mayor, or the person exercising the office of mayor, shall cause a special
4 election to be held to fill such vacancy. When any such vacancy occurs within six months of a
5 municipal election, no election shall be called to fill such vacancy, but the same shall be filled
6 by the mayor or the person exercising the office of mayor by appointment. Any vacancy in the
7 office of councilman which occurs within the six months shall be filled by election, in such
8 manner as may be provided by ordinance. In all other counties,] If a vacancy occurs in any
9 elective office other than the office of mayor, a successor to the vacant office shall be selected
10 by appointment by the mayor with the advice and consent of a majority of the remaining
11 members of the council. The council may adopt procedures to fill vacancies consistent with this
12 section. The successor shall serve until the next **available** regular **municipal April** election.
13 If a vacancy occurs in any office not elective, the mayor shall appoint a suitable person to
14 discharge the duties of the same until the first regular meeting of the council thereafter, at which
15 time the vacancy shall be permanently filled.

Speaker of the House

President Pro Tem of the Senate

Governor